

# Public Participation and Communication Plan

## Model Criteria for Groundwater Monitoring in Areas Subject to Well Stimulation Treatments

*As Required under Senate Bill 4 (SB 4)*

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### Introduction

Signed into law by Governor Brown on September 20, 2013, Senate Bill 4 (SB 4) amended the Public Resources and Water Codes relating to oil and gas. This bill defines new standards by which the oil and gas operator, the Division of Oil, Gas, and Geothermal Resources (DOGGR), the State Water Resources Control Board, (State Water Board), and other applicable agencies, must follow when performing or permitting well stimulation treatments (i.e., hydraulic fracturing or “fracking”) used in oil and gas exploration and production.

The State Water Board is required to develop model criteria for groundwater monitoring in areas subject to well stimulation treatments by July 1, 2015. The State Water Board is required to begin implementation of a regional monitoring program by January 1, 2016. The model criteria include (but are not limited to), the constituents to monitor, the frequency and duration of monitoring, reporting protocols, and areas to monitor. The purpose of the model criteria is to ensure that regulators, local health officials, and the public have representative groundwater monitoring data to determine if well stimulation treatments (like hydraulic fracturing) have an effect on groundwater quality. SB 4 also requires DOGGR to adopt regulations specific to well stimulation; interim emergency regulations became effective in January 2014, while final regulations will be in place by 2016.

This public participation and communication plan outlines the procedures under the following two responsibilities:

- Develop model groundwater monitoring criteria by July 1, 2015, in consultation with DOGGR and other stakeholders, to be implemented either on a well-by-well basis for a well subject to well stimulation treatment, or on a regional scale.
- Begin implementation of a regional groundwater monitoring program by January 1, 2016.

### Purpose

The purpose of the Public Participation and Communication Plan is to identify the activities and communication tools the State Water Board will use to provide project information, solicit input, engage in dialogue, and respond to input from stakeholders and the public during development of the model criteria.

## Public Participation and Communication

As part of this public participation and communication process, the State Water Board, in coordination with the Regional Water Boards, will engage those entities and individuals who are interested in providing input through various public participation opportunities as identified in the Communication Tools and Public Participation Opportunities section of this plan.

### Process

The State Water Board will follow the principles and practices listed below during this process:

- All public meeting materials will be made available to the public on the State Water Board [SB 4 website](#).
- All Board meeting agendas and materials will be available online on the [Board Information website](#) at least 10 days in advance of the public meeting.
- Public comment periods will be available for both the draft and final draft model criteria developed by the State Water Board. The documents will be available on the [Documents for Public Comment website](#).
- If there is a need for interpreters at public meetings, they will be provided as appropriate.
- Program staff will evaluate the public participation process and make adjustments as deemed appropriate.

## External Scientific Review

The State Water Board is relying upon recommendations by experts in the field of oil and gas exploration, as well as the applicable water quality research and education fields, for developing the model criteria. This will ensure that the model criteria are based upon sound scientific knowledge, methods, and practices.

## Decision Making

Stakeholders and members of the public are encouraged to provide input to the State Water Board regarding their concerns and recommendations for the model criteria through several public meetings and public comment periods.

## Roles and Responsibilities

The State Water Board, in coordination with the Regional Water Boards, plans to develop the model criteria in consultation with DOGGR, public stakeholders, and technical experts in the field of oil and gas. USGS and LLNL are providing the technical expertise and written recommendations to State Water Board staff. Recommendations are to be protective of groundwater, clearly written, and technically feasible.

“Experts” – from diverse backgrounds will work with the lead expert, LLNL, to make recommendations for the model criteria to State Water Board staff. The experts have met several times both in public and amongst themselves to accomplish this task.

LLNL – will consult, document, and report the recommendations for model criteria, as lead expert to the State Water Board staff, in a report to be submitted in May 2015. LLNL shall be unbiased and consider recommendations that balance all interests. These recommendations will be considered by State Water Board staff when developing the model criteria.

USGS – will work with both LLNL and State Water Board staff as scientific experts. Since existing water quality data is scarce in areas subject to well stimulation treatments, the USGS will collect and analyze new and existing information to help develop the model criteria.

State Water Board Staff – will consider and rely upon recommendations by LLNL and information collected by USGS, as well as input from stakeholders and the public. All input will be considered when developing the model criteria.

Stakeholders – will participate and present at public stakeholder meetings, as well as other face-to-face meetings with experts and State Water Board staff. Stakeholders represent groups from the oil and gas industry, agriculture, environmental justice, and local government, and provide input about the effects of oil and gas exploration in a given area.

Members of the public – will participate in public meetings and provide input and recommendations to the experts. Public input is considered during the stakeholder meetings, State Water Board meetings, and development of both the expert recommendations and the model criteria.

## Communication Tools and Public Participation Opportunities

This section describes the communication tools State Water Board staff use to keep stakeholders and the public informed during the model criteria development process and opportunities for public participation and input that the State Water Board will provide.

### Communication Tools

- State Water Board staff uses its SB 4 [website](#)<sup>1</sup> to maintain information and materials associated with model criteria development. Information is easily accessible and allows interested parties to track the status of the project. The website includes a link where interested individuals can sign up to be included on the Oil and Gas Groundwater Monitoring (SB 4) e-mail notification [list](#)<sup>2</sup>. In addition, a link to access the draft model criteria during [public comment](#)<sup>3</sup> periods will be provided.
- State Water Board staff uses e-mail as its main form of electronic communication. News releases also provide the most important information about public participation and notification. E-mail announcements through the Oil and Gas Groundwater Monitoring (SB 4) e-mail notification list provides general information about the development process including notifications of draft or final documents, opportunities for public participation, and other pertinent information.

### Public Participation Opportunities

- The State Water Board hosted two stakeholder meetings in August of 2014 designed to inform and engage the public and stakeholders on the model criteria process, as well as to provide feedback and input on the recommendations.
- State Water Board staff will hold informational items at scheduled State Water Board meetings in March and May of 2015. These present opportunities for the public, interested parties, and stakeholders to receive updates on the recommendations and development of the model criteria, and to provide verbal comments to Board members. The final draft will be released to the public in late June 2015 prior to the July 7 Board meeting, where adoption of the model criteria will be considered.

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<sup>1</sup> [http://www.waterboards.ca.gov/water\\_issues/programs/groundwater/sb4/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/groundwater/sb4/index.shtml)

<sup>2</sup> [http://www.waterboards.ca.gov/water\\_issues/programs/groundwater/sb4/index.shtml#info](http://www.waterboards.ca.gov/water_issues/programs/groundwater/sb4/index.shtml#info)

<sup>3</sup> [http://www.waterboards.ca.gov/public\\_notices/comments/index.shtml](http://www.waterboards.ca.gov/public_notices/comments/index.shtml)

## Project Timeline

As mandated in SB 4, the model criteria must be developed by July 1, 2015. Below is a timetable (Table 1) summarizing major milestones.

TABLE 1. DEVELOPMENT OF MODEL CRITERIA:SCHEDULE		
Task	Start Date	End Date
<b>March 17 Board Informational Item<sup>1</sup></b>		<b>3/17/2015</b>
LLNL Draft Recommendations DUE to State Water Board Staff		4/2/2015 <sup>2</sup>
Internal Review of LLNL Recommendations	4/2/2015	4/15/2015
First Draft of Model Criteria DUE		4/29/2015
<b>Public Comment for Model Criteria- Posted Online</b>	4/29/2015	<b>5/29/2015</b>
<b>May 20 Board Workshop- Present LLNL Draft Recommendations, Public Comments of Criteria, Receive Board Member Feedback</b>		<b>5/20/2015</b>
LLNL Final Recommendations DUE to State Water Board Staff		6/16/2015
Internal Review of LLNL Recommendations	6/19/2015	6/29/2015
Final Draft Model Criteria RELEASE		6/19/2015
<b>Public Comment for Final Model Criteria- Posted Online</b>	6/19/2015	<b>6/29/2015</b>
Model Criteria RELEASE with Board Meeting Agenda		7/1/2015
<b>Board Meeting-- FINAL DEVELOPMENT/ADOPTION</b>		<b>7/7/2015</b>

<sup>1</sup> Opportunities for public participation are in bold.

<sup>2</sup> Dates italicized are anticipated, subject to change.

Table 2 (below) summarizes activities completed to date in the process of the development the model criteria for groundwater monitoring in areas subject to well stimulation treatments.

TABLE 2. DEVELOPMENT OF MODEL CRITERIA:TASKS COMPLETED	
Task	End Date
<b>State Water Board Stakeholder Meetings (3)</b> – to receive input on recommendations <ul style="list-style-type: none"> <li>• Oil and Gas Industry</li> <li>• Agriculture</li> <li>• Environmental Groups</li> <li>• Local Government</li> </ul>	<b>August 7 and 25, 2014</b>
<b>LLNL Stakeholder Meeting/Public Workshop (1)</b> – to gather information <ul style="list-style-type: none"> <li>• Oil and gas industry</li> <li>• Environmental justice</li> <li>• Written comments by: <ul style="list-style-type: none"> <li>--Kern County Farm Bureau,</li> <li>--Environmental Working Group,</li> <li>Center on Race, Poverty and the Environment, and</li> <li>Steven White</li> </ul> </li> <li>• USGS Scientific Discussion Paper</li> </ul>	<b>December 11, 2014</b>
<b>LLNL and Expert Meetings</b>	<b>September 2014 - February 2015</b>
<b>Expert Peer Reviews of LLNL Draft Recommendations</b>	<b>February - March 2015</b>
<b>Public Participation Document- Posted Online</b>	<b>February 19, 2015</b>